

10-03-01

1645

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 97,022-B1)

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TECH CENTER 1600/2900

In the Application of:

Dunlay et al.

Serial No.: 09/723,256

Filing Date: November 27, 2000

For: System for Cell-Based Screening

Examiner: To be assigned

Group Art Unit: 1645

#5
MW

TRANSMITTAL LETTER

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:
 - a) Information Disclosure Statement (IDS);
 - b) Form PTO-1449 including (189 cited references);
 - c) Return receipt postcard
2. With respect to fees:
 - a) No fee is required.
 - b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.
3. CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR § 1.10: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in a box addressed to: Commissioner for Patents, Washington, D.C. 20231, on this 24 day of October, 2001. Express Mail No. EL604653525US.

Respectfully submitted,


David S. Harper

Registration No. 42,636

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Title: **System for Cell-Based Screening**

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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97 - 1.99, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56. Copies of the references cited below are enclosed. These references are also listed on the enclosed PTO Form 1449.

In the judgment of the undersigned, portions of the listed references may be material to the Examiner's consideration of the presently pending claims. However, the references have not been reviewed in sufficient detail to make any other representation and, in particular, no representation is intended as to the relative relevance between references, whether cited in this or prior statements. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. Section 102 or Section 103.

This Information Disclosure Statement is being filed:

- ☒ within three months of the filing date of a national application; within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or before the mailing date of a first Office Action on the merits. 37 C.F.R. § 1.97 (b)
- ☐ **after** three months of the filing date of a national application, or the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or **after** the mailing date of a first Office Action on the merits, but **before** the mailing date of a Final Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311 (whichever occurs first), and includes (37 C.F.R. § 1.97 (c):
- ☐ the Certification under 37 C.F.R. § 1.97(e) (see "Certification" below)

OR

- ☐ the fee of \$240 set forth in 37 C.F.R. § 1.17(p) (see "Fees" below).
- ☐ **after** a Final Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311 (whichever occurs first), but before, or simultaneously with, the payment of the issue fee, and includes the Certification under 37 C.F.R. § 1.97(e) (see "Certification" below), and the Petition Fee set forth in 37 C.F.R. § 1.17(i) (see "Fees" and "Method of Payment of Fees" below). Applicants hereby petitions for consideration of the Information Disclosure Statement submitted herewith and the accompanying references in examination of the subject patent application.

CERTIFICATION

- ☐ The **undersigned** hereby certifies that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby certifies that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

FEES

- ☒ No fee is owed by the applicant(s).
☐ The **IDS Fee of \$240.00** under 37 C.F.R. § 1.17(p) is enclosed herewith.

METHOD OF PAYMENT OF FEES

- ☐ Attached is a check in the amount of \$240.00.
☐ Charge Deposit Account No. 13-2490 in the amount of \$. (A duplicate copy of this communication is enclosed for that purpose.)


Please charge any underpayment or credit any overpayment in connection with this communication to Deposit Account No. 13-2490. A duplicate copy of this communication is enclosed for this purpose.

CERTIFICATE OF MAILING AS "EXPRESS MAIL" (37 CFR 1.10)

I hereby certify that this correspondence and all attached paper(s) or fee(s) is being deposited with sufficient postage, with the United States Postal Service as EXPRESS MAIL POST OFFICE TO ADDRESSEE in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231, Attn: RO/US, with sufficient postage, on this 21 day of OCTOBER, 2001 under Express Mail Certificate No. **EL6046/53525US**.

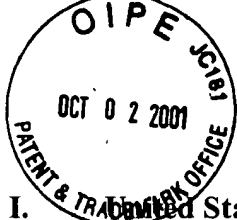
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I. United States Patents

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2. Harpold et al., United States Patent No. 5,401,629, issued March 28, 1995.
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11. Ivarrson, et al., United States Patent No. 5,313,264, Issued May 17, 1994.
12. Jansson, et al., United States Patent No. 4,673,988, Issued June 16, 1987.
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IV. Pending U.S. Applications

	<u>Serial No.</u>	<u>Filing Date</u>	<u>Author</u>	<u>Attorney Docket No.</u>
188.	09/293,210	04/16/99	Dunlay et al.	97,022-G
189.	09/031,271	02/27/98	Dunlay et al.	97,022-B

V. Co-Pending Cellomics Applications

The Applicants hereby notify the Examiner of the following commonly owned, co-pending applications that relate to the instant U.S. Application Serial Nos.:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Attorney Docket No.</u>
09/724,376	11/27/00	97,022-B2
09/380,259	02/27/98	97,022-C4
09/352,171	07/12/99	97,022 D1
09/713,858	11/16/00	97,022-D1A
09/598,347	06/21/99	97,022 D3
09/714,471	11/16/00	97,022-D3A
09/293,209	04/16/99	97,022 F
09/650,937	08/29/00	97,022 F1
09/676,217	09/29/00	97,022 F2
09/718,770	11/22/00	97,022-F3
09/721,168	11/22/00	97,022-G1
09/398,965	09/17/99	97,022 I
09/721,163	11/22/00	97,022-I1
09/430,656	10/29/99	97,022 K
09/713,572	11/15/00	97,022-K2
09/713,508	11/15/00	97-022-K3
09/513,783	02/24/00	97,022 L1
09/569,508	05/12/00	97,022 M
09/632,552	08/04/00	97,022 N
09/716,732	11/20/00	97,022-N2
09/632,544	08/04/00	97,022 O
09/716,807	11/22/00	97,022-O2
09/709,983	11/09/00	97,022-Q

VI. Discussion

Also, enclosed is a copy of the International Search Report in which some of the above-listed references were cited during the prosecution of a corresponding PCT application.

In accordance with MPEP Sections 609 and 707.05(b), it is requested the document cited

McDonnell, Boehnen, Hulbert & Berghoff
300 S. Wacker Drive, Suite 3200
Chicago, IL 60606
312-913-0001

U.S. Serial No.: 09/723,256
Filing Date: November 27, 2000

(including any cited in applicant's specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

Date: 10/2, 2001

Respectfully Submitted,

By:



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